



Western Europe

Andorra
Austria
Belgium
Denmark
Finland
France
Germany
Greece
Iceland
Ireland
Italy
Liechtenstein
Luxembourg
Malta
Monaco
Netherlands
Norway
Portugal
San Marino
Spain
Sweden
Switzerland
United Kingdom

Major developments

Developments on the political scene in Western Europe in 2002 signalled further restrictive approaches towards asylum. On a more positive note, the main asylum countries were considering innovative policies intended to alleviate the pressure on asylum channels while upholding the fundamental principles of protection.

The renewed momentum of debate in Europe on asylum also resulted in more awareness that new approaches are needed to complement the 1951 Convention if asylum systems are to cope with evolving 21st century requirements. The High Commissioner's Convention Plus initiative, which should take the form of multilateral special agreements, is to be placed within the framework of these new approaches.

A total of 425,528 asylum applications were received during 2002 (roughly the same as in 2001). The United Kingdom received the largest number of asylum requests in 2002, with 24 per cent of all



asylum claims lodged in Europe in the course of the year. Germany, France and the Netherlands recorded 12 per cent, 9 per cent and 6.3 per cent respectively. Some Western European countries experienced a marked decline in applications, e.g. Denmark (-53 per cent), the Netherlands (-43 per cent), and Spain (-35 per cent). France, Germany and the UK received approximately 50 per cent of all asylum claims lodged in Western Europe.

Iraqi nationals (10.7 per cent of applicants in Europe) were the largest group, at virtually the same level as in 2001. Due to the sharp drop in applications from Afghans, citizens from the Federal Republic of Yugoslavia became the second largest group. Asylum-seekers from Nigeria and the Democratic Republic of the Congo were on the increase.

New patterns of arrival have developed, with more people arriving from Sub-Saharan Africa via Libya. Arrival points in Italy have also shifted to areas in Sicily and north eastern Italy where surveillance is less tight.

As a result of the heavy pressure in recent years on its own asylum system, the **United Kingdom** Government was considering a policy that, for the first time, would limit access to its territory for asylum-seekers by confining them to temporary holding centres overseas while their claims are processed. This initiative has so far met with a cautious and mixed reaction amongst European countries because of the difficulties that it would entail in terms of practical implementation. It will certainly give rise to intense debate in 2003.

In terms of legislative developments, the **Italian** Parliament approved an Aliens Law that introduced far-reaching changes in the asylum legislation. However, this new legislation has not yet been brought into force, as the implementing regulations are still under discussion. UNHCR is expected to take on a new role here, in the territorial commissions that will be established through the decentralisation of the refugee status determination procedure. A major feature of the new law is the lack of suspensive effect of appeals lodged against a negative decision. Some mitigation of this

provision has been introduced insofar as the Prefect may grant the suspensive effect on humanitarian grounds.

In **Germany** the new immigration law, which had retained the concept of non-State agents of persecution, was quashed on procedural grounds by the Constitutional Court. It is to be re-submitted before Parliament early in 2003.

With respect to the asylum harmonisation agenda, the EU made progress in negotiations on a Council Directive laying down minimum standards for the reception of asylum-seekers in Member States. Similar progress was seen on a Council Regulation establishing the criteria and mechanisms for determining the Member State responsible for examining an application for asylum lodged in one of the Member States by a third-country national (Dublin II Regulation), and political agreement was reached by the end of the year. Progress was also achieved on the definitions in the Council Directive on minimum standards for the qualification of third country nationals and stateless persons as refugees or as persons who otherwise need international protection, and the family reunification directive, which includes a chapter on refugees.

Challenges and concerns

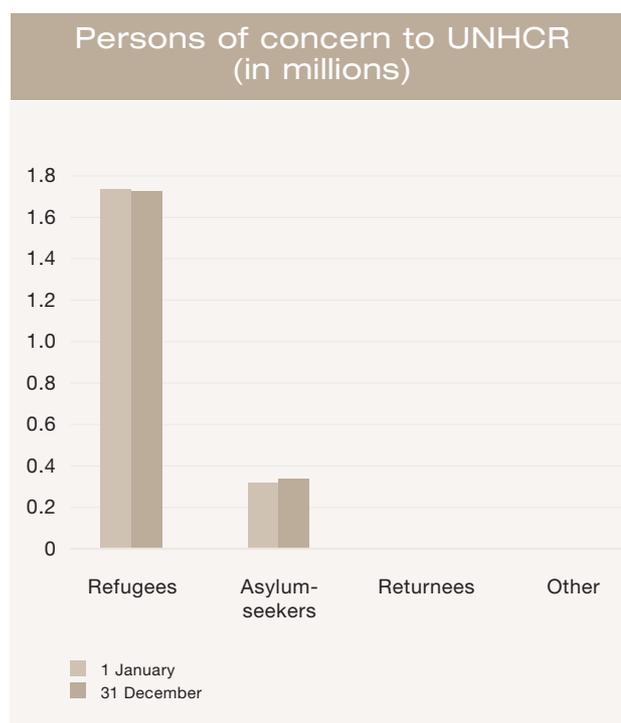
Procedural restrictions represented a major challenge to UNHCR's efforts to ensure access to territory and RSD procedure. An even greater challenge was the fading of public support for the culture of asylum that used to be typical of Western Europe. A referendum motion in **Switzerland**, only narrowly rejected, ran counter to some of the basic tenets of asylum, reflecting a mood all too often in evidence in Europe. Xenophobic feelings run high in many major asylum countries, and racial attacks have been carried out against asylum-seekers.

Western European countries continue to emphasise the need to combat irregular migration and people-smuggling; this has the worrying effect of reducing the chances of genuine asylum-seekers gaining access to territory and procedure. Biometric data are being introduced in the refugee identification systems used in all Western European countries and joint

patrolling of the southern frontiers of the EU is conducted as part of the anti-trafficking policies intended to stem the influx of irregular aliens. The threat of war in the Middle East exacerbated security concerns with regard to specific groups of asylum-seekers.

Carrier sanctions, detention of asylum-seekers, lists of safe third countries, and restrictions on the principle of family reunification were also being introduced in certain instances. Recognition rates are low and, in the case of **Greece**, the rate went down from 22.4 per cent in 2001 (inclusive of the granting of humanitarian status) to one per cent in 2002.

An unresolved and growing problem is the re-appearance of people whose applications have been rejected. They often constitute a sizeable number of those living in Western European countries without adequate residency documents. There have been technical difficulties associated with the return of rejected cases to their countries of origin, and limited results have been achieved so far through voluntary repatriation schemes. It is therefore to be hoped that future policies will combine humanitarian measures with the need and right of States to return people who have been determined not to be in need of international protection.





France: The Sangatte reception centre for asylum-seekers in northern France was closed at the end of December 2002. Most of its residents were transferred to the UK, in accordance with a burden-sharing agreement reached between the two Governments. Others were relocated elsewhere in France, while a small number of Afghans opted to go back home with a special voluntary repatriation package offered by the French Government. *UNHCR / H. J. Davies*

Operations and progress towards solutions

In terms of integration, the National Asylum Programme (NAP) in **Italy** remains the most encouraging example of integrating refugees within a national society: municipalities volunteer to accept and assist refugees, to whom various services and facilities are then made available. The funding for these activities is provided by the central Government. Such an approach should be replicated in other European countries, and may represent an alternative to the forcible dispersal within the national territory of refugees and asylum-seekers.

Resettlement is an option that has received insufficient attention throughout Western Europe and remains rather limited.

The UNHCR field offices in Western Europe continued the monitoring of the operation of asylum systems under Article 35 of the 1951 Refugee Convention. Training was also one of the many features of the activities of the organisation, with

particular emphasis on the training of immigration officials. In **Malta** and **Greece**, UNHCR further reduced its participation in assistance activities that were, to a larger extent, funded by the Government concerned. This policy will continue in the coming years until the humanitarian assistance provided by UNHCR has been phased out altogether.

Through its involvement in the closure of the reception centre in Sangatte (France), UNHCR had to handle, for the first time (in operational terms), a mixed caseload of asylum-seekers and economic migrants. This operation removed a lingering problem that had become a major irritant in the relations between two major asylum countries in Europe (France and UK), and it demonstrated that migration and asylum issues cannot be tackled in isolation from each other.

UNHCR promoted the signing of three Tripartite Agreements between the Government of Afghanistan, UNHCR, and the Governments of France, the Netherlands and the United Kingdom respectively for the voluntary repatriation of Afghans after the

ousting of the Taliban Government. These agreements covered all Afghans, regardless of status, and made provision for the less-than-voluntary return of persons no longer in need of international protection.

Access to asylum procedures and reception

As a whole, reception facilities were strengthened, particularly in southern Europe (Greece and Italy), with the additional help of funding made available through the European Refugee Fund. Border monitoring continued to be one of the main priorities, in southern Europe, and significant efforts were therefore made in Greece, Italy and Spain. In Spain, field missions were undertaken to the Canary Islands, where a new pattern of arrivals has developed, and to Ceuta and Melilla, where UNHCR staff monitored the procedure experienced by the large number of people arriving from sub-Saharan Africa. In Greece, the implementation of the Greek/Turkish readmission agreement was closely monitored in order to ensure that people who wish to apply for asylum in Greece are able to gain access to the territory and the asylum procedure.

Strengthening asylum systems

In recent years, there has been a tendency in Western Europe to strengthen asylum systems to cope with increasing operational demands. Despite the increasingly restrictive procedures alluded to above, draft legislation in France, Germany, Italy and Switzerland did adhere to the fundamental principles advocated by UNHCR. In France, for example, the concept of non-State agents of persecution will very probably be retained in the new law that is due for approval in 2003.

In the legislative work of the various Governments, there does seem to be a strong tendency towards a decentralisation of the asylum systems, which UNHCR welcomes, provided that a consistency of policy – and underlying philosophy – is reflected in appropriate arrangements and capacity-building efforts. Several Governments in Western Europe are in the process of discussing more active participation by UNHCR in asylum procedures.

Promotion and advocacy: Mobilising public opinion

Public Awareness (PA) events were organised throughout Western Europe to keep the asylum spirit alive. In certain instances, the activities pro-

moted by UNHCR were nevertheless overwhelmed by unfavourable media coverage, as was the case in the UK, where the tabloid press continued to portray the asylum-seeker in a negative light. PA activities were also successfully combined with private sector fund raising in Greece, Italy and Switzerland. Italy remains the most generous country in terms of private fund raising. The Pavarotti and Friends concert, organised for the benefit of Angolan refugees, raised the profile of the work of UNHCR in Africa, and elicited generous donations.

Partnership and Networking

UNHCR continued to co-operate closely with various NGOs working in the area of advocacy (such as the European Council on Refugees and Exiles), and supported the efforts of national agencies which raise funds for the cause of refugees, particularly in France, Spain and the UK. UNHCR provided financial support to several NGOs which act as implementing partners, but at the same time tried to enhance their ability to raise funds and eventually attain financial self-sufficiency. In the case of several other NGO implementing partners, this process began to bear fruit, insofar as UNHCR was able to reduce, or even terminate, financial support.

Countries in Western Europe in 2002 provided almost half of the total contributions to UNHCR from governments. Relations with the European institutions were reinforced. There was a strong commitment from both the European Commission and UNHCR to strengthen the partnership between the two organisations. This was reflected in increased dialogue, and a higher level of financial contributions than in 2001.

Funding

The global funding shortfall experienced by UNHCR has also had a negative effect on the activities of the organisation in Western Europe. In order to address the financial shortfall, UNHCR has increasingly been looking for additional sources of funding. Western European countries were requested to sponsor certain activities undertaken by the Office, e.g., participation in their refugee status determination procedures, training of their government officials, and any assistance or services required by those Governments.

Voluntary Contributions – Restricted / Earmarked (USD)

Earmarking ¹	Donor	Annual Programme Budget	
		Income	Contribution
Belgium			
	Belgium	49,110	49,086
	Norway	82,034	82,034
France			
	France	1,034,255	1,034,255
Ireland			
	Ireland	15,742	15,742
Spain			
	Spain	127,536	127,536
Switzerland			
	Switzerland	100,320	100,320
Western Europe			
	United States of America	2,100,000	2,100,000
Total		3,508,997	3,508,973

¹ For more information on the various earmarkings, please refer to the Donor Profiles.

Budget and Expenditure (USD)

Country	Revised Budget	Expenditure
	Annual Programme Budget	
Austria	1,506,820	1,354,530
Belgium	2,308,761	2,278,193
France	2,092,161	1,819,153
Germany	1,846,376	1,608,278
Greece	1,225,259	1,151,547
Ireland	381,758	274,770
Italy	1,539,805	1,465,970
Malta	166,347	124,500
Netherlands	258,356	231,880
Portugal	111,551	104,300
Spain	973,390	959,272
Sweden	1,219,506	1,154,391
Switzerland	820,334	710,078
United Kingdom	1,239,603	1,139,494
Total	15,690,027	14,376,356